

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P042724P-6/20	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/013909	International filing date (<i>day/month/year</i>) 07.12.2004	Priority date (<i>day/month/year</i>) 10.12.2003
International Patent Classification (IPC) or national classification and IPC B60R25/00		
Applicant HERTH+BUSS GMBH & CO. KG		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-16 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-17 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>2, 5, 6, 8, 10, 12-17</u>	YES
		Claims <u>1, 3, 4, 7, 9, 11</u>	NO
	Inventive step (IS)	Claims <u>2, 5, 12-17</u>	YES
		Claims <u>1, 3, 4, 6-11</u>	NO
	Industrial applicability (IA)	Claims <u>1-17</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following documents:		
	D1: WO 02/093521 A (WADE, DARREN, GEORGE), 21 November 2002 (2002-11-21)		
	D2: WO 01/18491 A (KIM, GUI, JU), 15 March 2001 (2001-03-15)		
	D3: EP-A-1 255 235 (LAND ROVER GROUP LIMITED), 6 November 2002 (2002-11-06)		
	D4: DE 202 17 446 U1 (KIRKLIES MICHAEL), 6 February 2003 (2003-02-06)		
2.	<u>NOVELTY</u>		
	The application fails to meet the requirements of PCT Article 33(1) because the subject matter of claims 1, 3, 4, 7, 9 and 11 is not novel (PCT Article 33(2)).		
a.	Document D1 discloses (the references in parentheses are to D1) a system for monitoring the cargo space (14) in a transportation unit (see page 1, lines 30 to 31), having a control unit (38) which can be supplied with a characteristic value indicating the state of movement of the transportation unit (see page 2, lines 19 to 22,		

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	<p>and page 5, lines 20 to 27), and which is connected at the data input end to a plurality of movement sensors (see reference sign 36, and page 1, line 36 to page 2, line 3), and at the data output end to a plurality of image capture devices (VC1, VC2, VC3).</p> <p>The subject matter of claims 1 and 11 therefore lacks novelty.</p> <p>b. Document D1 discloses a monitoring system in which the image capture device or devices (VC1, VC2, VC3) is/are connected to a digital memory module (see reference sign 32, and page 4, line 35 to page 5, line 2) and the control unit (38) is connected at the data output end to a transmitter (34) for wireless data transmission, and at the data input end to an information system in the transportation unit.</p> <p>The subject matter of claims 3, 4, 7 and 9 therefore lacks novelty.</p> <p>3. <u>INVENTIVE STEP</u></p> <p>The application fails to meet the requirements of PCT Article 33(1) because the subject matter of claims 6, 8 and 10 does not involve an inventive step (PCT Article 33(3)).</p> <p>a. The features defined in claim 8 have already been employed for the same purpose in a similar monitoring system (see document D3, in particular paragraph [0012]). A person skilled in the art wishing to</p>

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	<p>achieve the same purpose with a monitoring system as described in D1 could easily incorporate these features with similar results. It would thus be possible to arrive at a monitoring system as defined in claim 8 without making an inventive contribution.</p> <p>The subject matter of claim 8 is therefore not inventive.</p> <p>b. The features defined in claim 10 have already been employed for the same purpose in a similar monitoring system (see document D4, in particular page 9, lines 4 to 13). A person skilled in the art wishing to achieve the same purpose with a monitoring system as described in D1 could easily incorporate these features with similar results. It would thus be possible to arrive at a monitoring system as defined in claim 10 without making an inventive contribution.</p> <p>The subject matter of claim 10 is therefore not inventive.</p> <p>c. The features introduced in claim 6 are already known from D4 (see page 8, lines 21 to 27). The subject matter of claim 6 and the method according to claim 15 are not inventive in relation to D1 and D4.</p> <p>d. The features of claims 2 and 5 can be considered inventive because they help to avoid false alarms. These features are not standard measures for a person skilled in the art.</p>

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	<p>e. The combination of features in dependent claim 8 (when dependent on claim 5; see Box VIII of the Written Opinion of the International Searching Authority (WOSA)) is neither known from nor suggested by the prior art. The memory module is used not only to store the recorded images but also to store permitted loading and/or unloading positions. This makes the system even more secure without requiring additional memory capacity.</p> <p>f. The method according to claim 12 can be considered inventive. Document D1 discloses a method for monitoring the cargo space in a transportation unit, wherein a number of image capture devices are activated if a movement is detected in the cargo space. With this method it is likely that there will be false alarms. In the present invention the image capture devices also take into account the state of movement of the transportation unit. In documents D2 and D4 the state of movement of the transportation unit is not used as a triggering criterion for activation of the image capture devices. Therefore a combination of the teachings of D1 and D2 (or D4) would not lead to the subject matter of claim 12.</p> <p>Claims 13 to 17 are dependent on claim 12 and are therefore also novel and inventive.</p>